§761.1 Applicability

§761.1(b)(2) Determining PCB concentration on a weight-per-weight basis

Q: ***How must I report PCB concentrations – as ppm, mg/kg, or mg/L?***

A: Determine and report PCB concentrations on a weight-per-weight basis (such as ppm or mg/kg). You may determine and report the PCB concentration of liquids on a weight-per-volume basis (such as mg/L) if you also determine and report the density of the liquid (see §761.1(b)(2)).

§761.1(b)(3) Bulk and surface concentrations

Q: ***Please clarify the statement at §761.1(b)(3) that "provisions that apply to PCBs at concentrations of <50 ppm apply also to contaminated surfaces at PCB concentrations of $\leq$10 μg/100 cm^2." Does this mean that a spill of <50 ppm PCBs will always result in a surface concentration of $\leq$10 μg/100 cm^2?***

A: No. EPA did not intend to imply that a spill of a liquid containing <50 ppm PCBs would necessarily result in a surface concentration of $\leq$10 ug/100 cm^2. Rather, EPA intended to clarify that materials contaminated with PCBs at these levels, <50 ppm for bulk concentrations and $\leq$10 ug/100cm^2 for surface concentrations, would effectively be regulated in the same way under 40 C.F.R. part 761. Keep in mind that measures of surface concentration may not be accurate for all kinds of materials, for example, for old spills to porous surfaces.

§761.1(b)(4) Determining PCB concentration on a wet weight or dry weight basis

<u>Liquids</u>

Q: ***Can I dispose of an oil/water mixture based on the PCB concentration of the oil without testing the water?***

A: Yes. Since PCBs are hydrophobic, the higher concentration of PCBs will be in the oil phase and you do not need to test the water.

Q: ***Must I test an oil sample to assure that it contains less that 0.5 percent non-dissolved PCB material, or may I rely on a visual determination?***

A: You must test the oil sample to determine that it contains less than 0.5 percent non-dissolved material. A visual determination is not enough of a test; an actual measurement is necessary.

<u>Multi-phasic waste</u>

Q: ***The preamble to the disposal amendments at page 35388 gives an example of a multi-phasic waste made up of a non-liquid phase, an aqueous liquid phase, and a non-aqueous phase. What is the difference between a "non-liquid phase" and a "non-aqueous phase"?***

A: The term "non-aqueous phase" was meant to refer to a non-aqueous liquid phase, such as oil.

Q: ***Must I test an oil sample for water to determine whether the sample is multi-phasic, or may I rely on a visual determination?***

A: If the water is dissolved in the oil, it is not a multi-phasic liquid-liquid.mixture and you may determine the PCB concentration of the oil and dissolved water on a wet weight basis. Oil-water emulsions are multi-phasic liquid-liquid mixtures. A visual determination is a sufficient test to determine the presence of more than one liquid phase in a multi-phasic liquid-liquid.mixture. You must separate the phases of a multi-phasic liquid-liquid mixture, for example by centrifugation, before determining the concentration of each phase.

Q: ***A multi-phasic solution contains one phase with a PCB concentration of <50 ppm and an aqueous with a PCB concentration ≥3 ppb. How is the aqueous phase regulated?***

A: If you do not separate the waste into phases for disposal, all phases are regulated as if they contained <50 ppm PCBs, i.e., they are unregulated for disposal. If you decide to dispose of the phases separately, you must dispose of each phase using the PCB disposal requirements that apply to each separated, single-phase material. Keep in mind that you may not discharge the aqueous phase at 3 ppb to navigable waters or a treatment works unless permitted under the Clean Water Act (see §761.50(a)(3)).

Q: ***If I take a multi-phasic sample from a manhole that contains oil, water, and sediment, and I know that the PCB concentration of the oil is 100 ppm, can I manage all three phases as 100 ppm without having to analyze the water and sediment phases?***

A: No. You may assume that the water contains a PCB concentration no higher than the oil, because PCBs are hydrophobic. However, you may not make the same assumption about the sediment. You must separate the sediment from the sample and analyze it separately.

§761.2 Assumptions

General

Q: ***Do the PCB concentration assumptions in §761.2 apply to use, storage and disposal, or only use?***

A: The assumptions apply to use and to storage for reuse. They do not apply to disposal or to storage for disposal. For example, if you are the owner of a transformer manufactured

before July 2, 1979, that contains 3 pounds of fluid other than mineral oil at an unknown concentration, while the transformer is in use you must assume it is a PCB Transformer, i.e., that it contains 500 ppm PCBs. Once you decide to dispose of the transformer, you are no longer required to assume that it is a PCB Transformer. You must know the concentration at the time of disposal in order to assure compliance with the regulations. However, if you place the transformer into storage for disposal without having determined its concentration, EPA recommends that you store it as if it contains PCBs at regulated levels to avoid a violation.

Q: Can I dispose of equipment manufactured after July 2, 1979, without testing to determine if it is non-PCB?

A: No. The PCB concentration assumptions in §761.2 apply only while the equipment is in use. At the time of disposal you must know the equipment's actual PCB concentration.

Q: If PCBs are not used in an authorized manner and are released, can the assumptions in these sections still be made?

A: No, for two reasons. First, the assumptions apply only to authorized uses. Second, the assumptions only apply while the equipment is in use or stored for reuse. They do not apply to PCBs that have spilled or been otherwise released from the equipment.

Q: Can I clean up a spill from a transformer manufactured after 1979 assuming the PCB concentration of the spill is <50 ppm? Similarly, can I clean up a spill from a transformer containing less than 3 pounds of PCBs assuming the concentration is <50 ppm?

A: No. The PCB concentration assumptions in §761.2 apply only while the equipment is in use or stored for reuse. At the time of disposal you must know the equipment's actual PCB concentration. The concentration assumptions do not apply to PCBs that have spilled or been otherwise released from the equipment.

Q: How do the assumptions fit in with the Spill Cleanup Policy?

A: For purposes of the Spill Cleanup Policy only, where a spill of untested mineral oil occurs, the oil is presumed to contain >50 but <500 ppm PCBs. (See the definition of "spill" at §761.123.) No other assumptions or presumptions apply to spilled liquids.

Q: If a spill occurs from equipment assumed to be PCB-Contaminated, can I assume that the spilled liquid contains a PCB concentration of ≥50 and <500 ppm?

A: The PCB concentration assumptions apply only to equipment while in use, not to material spilled or otherwise released from the equipment. However, under the Spill Cleanup Policy, where a spill of untested mineral oil occurs, the oil is presumed to contain >50 but <500 ppm PCBs. No other assumptions or presumptions apply to spilled liquids.

Q: ***What assumptions apply to silicone-filled transformers manufactured prior to July 2, 1979 and after July 2, 1979?***

A: Silicone dielectric fluid was manufactured not to contain PCBs. There is no assumption applicable to transformers known to be silicone-filled while in use, regardless of the date of manufacture. These transformers are regulated based on their actual PCB concentration. It is possible the transformer could have become contaminated during servicing with fluid containing 50 ppm PCBs.

Q: ***§761.2(a)(2) says that all mineral oil-filled electrical equipment can be assumed to have a PCB concentration of ≥50 and <500 ppm. §761.2(a)(3) says that if a transformer contains fluid other than mineral oil, it must be assumed that the concentration is greater than 500 ppm. If a voltage regulator or switch has a fluid other than mineral oil, what assumption applies?***

A: EPA has historically treated voltage regulators and switches as mineral oil-filled electrical equipment. There is no assumption applicable to voltage regulators and switches containing fluid other than mineral oil while in use. This equipment is regulated based on its actual PCB concentration. You are responsible for knowing the PCB concentration in your equipment.

Q: ***Do the §761.2 assumption rules apply to motor starters?***

A: A motor starter is a type of switch. EPA has historically treated voltage regulators and switches as mineral oil-filled electrical equipment. Unless the motor starter contains another type of dielectric fluid, it is subject to the assumption in §761.2(a)(2) generally applicable to mineral oil-filled electrical equipment, i.e., that it contains 50 and <500 ppm PCBs.

Q: ***What are the assumptions to be used in determining the PCB concentration of wastewater treatment sludge from an unknown source?***

A: There is no assumption applicable to wastewater treatment sludge. You must manage this material based on its actual concentration.

§761.2(a)(1) Transformers with <3 pounds of fluid, circuit breakers, reclosers, oil-filled cable, and rectifiers

Q: ***Do the assumptions apply to oil-filled cables?***

A: Liquid-filled cables are assumed to be non-PCB while the cables are in use.

Q: ***The regulations state that transformers containing less than three pounds of fluid are assumed to be non-PCB. Are materials like epoxy and tar-like potting compounds "fluid"?***

A: "Fluid" refers to a flowable material. Transformers that contain PCBs in tar-like potting compounds or epoxy do not contain "fluid".

Q: Where a spill occurs from a transformer that is assumed to be non-PCB, can I assume the spilled material is non-PCB as well?

A: No. The PCB concentration assumptions apply only to equipment while in use, not to material spilled or otherwise released from the equipment.

§761.2(a)(2) Mineral oil-filled electrical equipment

Q: What assumptions apply to a bushing removed from a transformer that was assumed to be PCB-Contaminated?

A: The PCB concentration assumptions in §761.2 apply only while the equipment is in use. At the time of disposal you must know the equipment's actual PCB concentration. If the bushing was removed for disposal, the concentration assumptions do not apply. If the bushing was removed for reuse or stored for reuse, the bushing is assumed to have the same concentration as the transformer it was removed from.

Q: Where a spill occurs from a bushing removed from a transformer that was assumed to be PCB-Contaminated, can I assume that the spilled material is ≥50 and <500 ppm?

A: No. The PCB concentration assumptions apply only to equipment while in use, not to material spilled or otherwise released from the equipment.

Q: When I dispose of a transformer that is assumed to contain ≥50 and <500 ppm PCBs, what concentration do I list on the manifest? What happens if the disposer tests the transformer and determines that it actually contains a different PCB concentration?

A: The PCB concentration assumptions in §761.2 apply only while the equipment is in use. At the time of disposal you must know the equipment's actual PCB concentration. If you include the concentration in the manifest, and the disposer determines that the actual concentration of the equipment is different, then the disposer must file a manifest discrepancy report. (See §761.210(b).)

Q: If I clean up and dispose of oil released from a pole-mounted transformer manufactured after July 2, 1979, can I assume the oil has a PCB concentration of <50 ppm?

A: No. The PCB concentration assumptions in §761.2 apply only while the equipment is in use. At the time of disposal you must know the equipment's actual PCB concentration.

Q: When must I assume that a pole-top or pad-mounted distribution transformer is a PCB

Transformer, i.e., ≥500 ppm?

A: Never. Under §761.2(a)(2), a pole-top or pad-mounted distribution transformer manufactured before July 2, 1979 must be assumed to be mineral oil-filled. Mineral oil-filled electrical equipment is assumed to be PCB-Contaminated, i.e., 50 and <500 ppm PCBs. A pole-top or pad-mounted distribution transformer manufactured after July 2, 1979 may be assumed to be non-PCB, i.e., <50 ppm PCBs. If the date of manufacture of the pole-top or pad-mounted distribution transformer is unknown, it must be assumed to be PCB-Contaminated, i.e., 50 and <500 ppm PCBs .

Q: Where do mineral oil-filled transformers other than pole-top and pad-mounted distribution transformers, such as submersible transformers, fit into these assumptions?

A: If the equipment is was manufactured before July 2, 1979, and is known to be filled with mineral oil, you must assume it is PCB-Contaminated.

Q: Can I send a drained pre-1979 mineral oil transformer carcass to a §761.72 recycler without making the actual determination of its PCB concentration?

A: The PCB concentration assumptions in §761.2 apply only while the equipment is in use. You must dispose of the equipment's based in its actual, not its assumed, PCB concentration.

Q: A spill occurs from a pole-mounted distribution transformer of unknown PCB concentration whose nameplate indicates the year of manufacture was 1982. The transformer was assumed to contain PCB concentrations < 50 ppm. How should I classify the spill for cleanup during the interim between the spill's occurrence and the receipt of analytical results a week later?

A: The PCB concentration assumptions apply only to equipment while in use, not to material spilled or otherwise released from the equipment. For purposes of the Spill Cleanup Policy only, where a spill of untested mineral oil occurs, the oil is presumed to contain >50 but <500 ppm PCBs. (See the definition of "spill" at §761.123.) No other assumptions or presumptions apply to spilled liquids.

Q: Can a transformer that is assumed to have a PCB concentration of <500 ppm be disposed of without further testing?

A: No. The PCB concentration assumptions in §761.2 apply only while the equipment is in use. You must dispose of the equipment's based in its actual, not its assumed, PCB concentration.

§761.2(a)(4) Capacitors

Q: What is the PCB concentration assumption for use for dry capacitors?

A: Dry capacitors are not regulated while in use and no concentration assumptions apply. The definition of "capacitor" refers only to devices that contain dielectric fluid.

§761.2(b) Establishing PCB concentration

Q: Can my company use a letter signed by top management stating that transformers manufactured after July 2, 1979, were never serviced with transformer fluid to demonstrate that the transformers contain PCB concentrations <50 ppm?

A: Your company may assume that electrical equipment manufactured after July 2, 1979, is non-PCB (i.e., <50 ppm PCBs). (See §761.2(a)(2).) You do not need supporting documentation of PCB concentration.

Q: If I know that a piece of equipment was manufactured after July 2, 1979, must I place a label on the unit to indicate the absence of PCBs?

A: The PCB regulations do not require you to label non-PCB equipment, but you may wish to do so to help you to manage your equipment.

§761.20 Prohibitions and Exceptions

Q: Are there any restrictions on processing shredder residue to remove recyclable metals? Would this be processing for disposal?

A: It depends on what activities your facility is engaged in. Mechanical chopping of items such as automobiles and household appliances, and physical separation of the metal and non-metal components of the items, are processing that are primarily associated with and facilitate treatment or disposal. (See §761.20(c)(2)(ii).) These activities require a TSCA PCB disposal approval unless they are allowed as self-implementing decontamination activities under §761.79(b) or (c). Section §761.79(b) allows chopping and physical separation as decontamination activities which do not require an approval. Adding water to shredder waste to physically separate metals from non-metal by flotation is also a self-implementing decontamination activity that does not require an approval, however the water must be removed or accounted for when determining the PCB concentration of the waste (see §761.1(b)(4)). Thermal treatment to remove or cut non-liquid PCBs such as paint or insulation is not a self-implementing decontamination activity and would require an approval.

Q: Does processing a transformer for disposal (draining/flushing) require an authorization? Is a commercial storage authorization adequate? If not, can an authorized disposer of PCBs process transformers without additional authorization?

A: Draining and flushing PCB liquids from electrical equipment is processing for disposal that

primarily facilitates storage or transportation of the liquids for disposal and does not require an approval. (See §761.20(c)(2)(i) and 63 FR 35392.)

§761.30 Authorizations

General

Q: ***I keep a quart container of PCB oil (Askarel) in a chemical storage cabinet and periodically use it for training/demonstration purposes with PCB field test kits. Is this allowed? What regulatory requirements apply to this use?***

A: This is an unauthorized use of PCBs.

§761.30(a)

Q: ***For a pole/pad mounted transformer assumed to have PCB concentrations <50 ppm based on date of manufacture, is a record of transfer required under Subpart J if the unit is later tested and found to have PCB concentrations ≥50 ppm?***

A: The PCB assumptions for use at §761.2 apply as long as a piece of equipment is in use. Therefore, the concentration of the transformer, if not established, may be assumed at the time of transfer. If the concentration is later established to be 50 ppm, any transfers that occur after the concentration is established would have to be recorded.

§761.30(a)(1)(vi) Transformer Registration

Q: ***Must I register a PCB Transformer that has been removed from service prior to December 28, 1998 and is headed for disposal?***

A: No.

Q: ***Must I register a PCB transformer that is in storage for reuse?***

A: Yes.

Q: ***Must I register a transformer with an unknown PCB concentration?***

A: If you do not know the PCB concentration of a transformer that is in use, apply the concentration assumptions for use in §761.2. If you are required to assume that the transformer contains 500 ppm PCBs, you must register it.

Q: ***Must I register a bushing that contains oil with a PCB concentration ≥500 ppm if it is on a transformer which has a PCB concentration <500 ppm?***

A: No.

Q: ***Must I register voltage regulators that contain ≥500 ppm PCBs? Why or why not?***

A: The Disposal Amendments do not require you to register voltage regulators with PCB concentrations 500 ppm. This is because data available to EPA show that most voltage regulators contain mineral oil as a dielectric fluid, and very few would contain PCB concentrations 500 ppm.

Q: ***Do PCB Transformers only need to be registered once? If a transformer that has already been registered is purchased by someone other than the person who registered the unit, does the new owner have to register the unit again?***

A: PCB transformers only need to be registered once. If a previous owner registered the transformer, a new owner does not need to re-register the unit. The transformer registration database is available on the PCB Web Site at www.epa.gov/pcb/xform.htm.

Q: ***If a facility identifies a PCB Transformer and decides to reclassify it, must it do so before December 28, 1998, to avoid the registration requirement?***

A: Yes. All transformers that contain 500 ppm PCBs as of December 28, 1998, must be registered or they are not authorized for continued use.

Q: ***If, under the assumption rules, I assume a transformer not to be a PCB Transformer, but later discover it is a PCB Transformer, must I register it?***

A: Yes. The you must register the transformer within 30 days of when you discover that it is a PCB Transformer.

Q: ***Can I "unregister" a transformer if I reclassify it or I determine that it contains PCB concentrations <500 ppm? How do I "unregister" a registered transformer?***

A: You may notify EPA of the reclassification and ask that the transformer be removed from the database. This notification is strictly voluntary.

Q: ***When I take a transformer out of service, must I notify EPA?***

A: You are not required to notify EPA that the PCB Transformer is no longer in service. However, you may do so and ask that the transformer be removed from the database.

Q: ***How large a geographical area can a single registration cover? Can I register transformers owned by my company but located in different states under the same address?***

A: Where a company has multiple locations, EPA will accept one registration form or cover letter that provides information on the company or other entity that owns the transformer and information specific to the transformers at each location.

Q: ***What assurance does the Agency provide to owners that their registration application (Form 7720-12) was received and duly registered?***

A: EPA recommends that you submit your registration by certified mail, return receipt requested.

Q: ***The registration form asks whether the PCB Transformer contains flammable dielectric fluid. How do I determine whether the fluid in my transformer is flammable?***

A: Refer to the RCRA ignitability standards at 49 CFR 261.21(a)(1). Also, note that including this information in the registration is optional.

§761.30(i) Use and Reuse of PCBs in Natural Gas Pipeline Systems

General

Q: ***How do PCBs get into natural gas pipelines?***

A: PCBs may have entered natural gas pipelines through the use of PCB-containing lubricants in turbine compressors and pipeline valves; through fogging of the pipeline system with PCB-containing oil vapor; or through migration from other contaminated systems. PCBs move primarily with the liquid condensate that forms in the pipeline.

Q: ***Under the new regulations at §761.30(i), can I introduce PCBs into a natural gas pipeline system?***

A: No, §761.30(i) does not allow the introduction of PCBs into a natural gas pipeline system. (See the preamble discussion at 63 FR 35396, June 29, 1998).

Applicability of 120 Day Characterization Time Frame

Q: ***If you plan to abandon pipe in the near future, does the 120 day time frame for characterization under §761.30(i)(1)(iii)(A) apply now? When does the 120 day time frame for characterization of pipe begin?***

A: The pipe is technically "in use" until abandonment or removal occurs. Therefore, all applicable requirements in §761.30(i) apply until abandonment or removal takes place. The 120 day characterization time frame begins with the effective date of the rule (8/28/98) for cases where the owner/operator knows there is PCB contamination at concentrations 50 ppm. Otherwise, the 120 day period begins after detection of PCB concentrations 50 ppm occurs.

Potential Sources

Q: ***Can I use historical data to document absence of sources in a system?***

A: Yes. (See §761.30(i)(1)(iii)(E).)

Q: ***If grease containing PCBs was added to a valve, would the valve be considered a source?***

A: Section 761.30(i)(1)(iii)(A)(3) excludes valves as being a potential source. The intention of this section was to leave out small items such as valves, as long as an attempt is being made to remove PCBs from the system. If there are no other potential sources in the system, but there are PCBs 50 ppm in the system, then §761.30(i)(1)(iii)(B) would apply.

Q: ***Are meters (specifically custody transfer meters and customer meters) sources?***

A: Custody transfer meters could be potential sources of introduction of PCBs into the natural gas pipeline system. However, the Agency would need more specific information about the meter to make a definite determination. Customer meters are most likely not potential sources of PCBs because they are located at the end of the natural gas pipeline and would be unlikely to introduce PCBs into the system.

Q: ***Is a paper-like filter in a natural gas pipeline system, similar to a car's oil filter, considered a "source"?***

A: If this filter is kept relatively clean, it most likely will not be a potential source. However, if the filter is allowed to fill up with liquids and is not cleaned out (i.e. per standard operating procedures and manufacturer's recommendations), it could be a potential source. In this case, it could be a source because it could be introducing PCBs $\geq$50 ppm into the pipeline system. The determining factor is whether or not it is introducing PCBs $\geq$50 ppm into the pipeline system and causing PCB contamination downstream.

Characterization

Q: ***Under §761.30(i), is use of organic liquids for characterization of the natural gas pipeline system required?***

A: Yes. EPA's intention was for organic liquids to be used to characterize the PCB contamination in the natural gas pipeline system. EPA will make a technical correction to §761.30(i)(4) to clarify this.

Q: ***When conducting the annual sampling under §761.30(i), what do you do if you don't have liquids present annually?***

A: Under the use authorization provisions at §761.30(i), if a pipeline system once contained liquids at 50 ppm or greater but is now relatively dry (i.e., there are no liquids available to

test at existing condensate collection points), then the owner/operator of the pipeline system has no further sampling and analysis to do until such time as liquids appear. EPA did not intend to require wipe sampling for characterizing natural gas pipeline systems in use; hence, EPA has made a technical correction at §761.30(i)(4) to drop the reference to wipe samples.

For these relatively "dry" systems with no liquids, the sampling requirements at §761.30(i)(1)(iii)(A)(5) don't apply. However, EPA would expect the owner/operator of the pipeline system to continue to check at least annually for liquids and document their absence under the recordkeeping requirements in §761.30(i)(1)(iii)(C). Should any liquids appear later, the liquids should be tested.

Historical Data for Characterization

Q: Can I use samples collected before August 28, 1998 as historical data?

A: Section 761.30(i)(1)(iii)(E) allows the use of historical data. For purposes of the use authorization at §761.30(i)(1)(iii), any data collected before August 28, 1998 is considered as historical data, provided it is accurate and sufficient.

Pipeline Components and Appurtenances

Q: How do PCB pipeline system components differ from pipeline appurtenances?

A: The term "component" refers to any part of the natural gas pipeline system (as defined at §761.3), to include pipe, appurtenances and compressors. The term "appurtenance" is defined in the definition of "natural gas pipeline system" under §761.3. Appurtenance refers to "instrumentation and vessels directly in contact with transported natural gas such as valves, regulators, drips, filter separators, etc., but not including air compressors." This list is not all inclusive.

Condensate

Q: Under §761.30(i)(1)(iii)(A)(3), what is the definition of "small liquid condensate collection point." Does the "condensate" pertain to both hydrocarbon condensate and water condensate?

A: The term "small liquid condensate collection point" is not defined in the regulations. The interpretation of the term was meant to be left open as it refers to items that are similar to drips and valves.

The term "condensate" applies to both hydrocarbon condensate and water condensate. However, for purposes of characterizing the PCB concentration of the pipe, the organic condensate must be analyzed.

Marking

Q: ***If a gas utility owns customer meters (industrial or residential) and a meter has liquids with PCB concentrations in excess of 50 ppm PCB, must the meter be marked with the M_L mark, in accordance with §761.45(a)?***

A: Yes. §761.30(i)(1)(iii)(A)(6) requires marking aboveground sources (e.g. system components) of PCB liquids in natural gas pipeline systems that contain PCBs ≥50 ppm.

Q: ***Do the §761.40(k) marking requirements apply to gas mains and services that are still in service? That is, natural gas is being delivered to our customers. If so, do all aboveground piping that is attached to the gas meter at a structure need to be marked? How is pipe to be marked?***

A: No, the marking requirements at §761.40(k) do not generally apply to gas mains and services. The marking requirements at §761.40(k) apply to the PCB Items specified in subparagraphs (1) and (2) which include PCB Large Low and High Voltage Capacitors, PCB Transformers, and equipment containing these items. However, if your pipeline system contains these specified PCB Items, then the §761.40(k) regulations would apply.

No, all aboveground piping should not need to be marked. The marking requirements specific to natural gas pipeline systems were promulgated on June 29, 1998 at §761.30(i)(1)(iii)(A)(6). These regulations apply to natural gas pipeline systems owned or operated by sellers or distributors of natural gas where these systems contain PCBs at concentrations of 50 ppm or greater. Section 761.30(i)(1)(iii)(A)(6) requires the marking of aboveground sources (e.g., aboveground equipment such as meters, filters, compressors, valves, or drips) of pipeline liquids at ≥50 ppm PCBs with the M_L Mark in accordance with §761.45(a). EPA dropped the former §761.30 marking requirement for underground pipe containing PCBs < 50 ppm in response to public comment. (See the preamble discussion in the June 29, 1998 Federal Register at page 35396.)

Reuse of Pipe and Distribution in Commerce

Q: ***In order to reuse contaminated piping for other purposes at a later date, what needs to be done in the interim?***

A: The provisions for interim storage for reuse are outlined in §761.35. The provisions at §761.35 apply to drained PCB articles. By definition, drained pieces of pipe are considered drained PCB articles.

Note that §761.30(i)(2) and (3) only authorize the reuse of natural gas pipeline that is PCB-Contaminated (10 ug/100cm^2 - 100 ug/100cm^2 or 50 ppm - 500 ppm). These sections do not authorize the reuse of pipe that is >100 ug/100cm^2 or >500 ppm. At these higher concentrations, the pipe would have to be decontaminated in accordance with §761.79(b)(3) to the levels authorized in §761.30(i)(2) and (3) before reuse would be authorized.

Additionally, the regulations do not explicitly authorize the distribution in commerce (e.g. sale, transfer to a third party) of PCB-Contaminated pipe. Thus, sale or transfer to a third party for the reuses listed in §761.30(i)(2) and (3) could only occur if the pipe is decontaminated or meets the decontamination standards in §761.79(b)(3), in accordance with §761.20(c)(5), the general authorization for distribution in commerce.

Q: What are the requirements that a company must comply with when transporting pipe that is drained of all free-flowing liquids and is contaminated with PCBs at ≤10 μg/100cm^2 to ≤ 100 ug/100cm^2 or at >100 ug/100cm^2? The pipe will be removed and transported to the company's storage facility for reuse by the company.

A: Since the pipe will be reused, it is not a waste and is not subject to manifesting. Because there is no marking requirement for natural gas pipe in use, there is no marking required for storage for reuse.

Q: A section of pipeline has been sampled. The wipe sample shows <10ug/100cm^2 and the liquid condensate sample shows <50 ppm. Is this pipe regulated? Can it be sold?

A: At PCB concentrations <10ug/100cm^2 or <50 ppm, the pipeline is unregulated for use at §761.30(i) and is unregulated for abandonment or disposal at §761.60(b)(5). This pipe can be sold under §761.20(c)(5)(ii), which allows the distribution in commerce of materials that currently meet a decontamination standard in §761.79(b). The decontamination standard for non-porous surfaces in contact with liquid PCBs is <10ug/100cm^2, provided all free-flowing liquids have been removed (§761.79(b)(3)).

§761.30(j) Research and Development

Q: If I take a sample from a site and analyze it in a lab, is this activity considered research and development for disposal or research and development for use?

A: Section 761.30(j) allows the use of PCBs in analytical reference standards when conducting research and development on waste samples containing PCBs. Research and development activities that are considered use of PCBs include the chemical analysis of PCBs, including analysis to determine concentration; determinations of the physical properties of PCBs; studies of environmental transport processes; studies of biochemical transport processes; studies of effects of PCBs on the environment; and studies of the health effects of PCBs, including direct toxicity and toxicity of metabolic products of PCBs.

Chemical analysis of the waste samples themselves is not subject to §761.30(j). As EPA stated in the preamble to the Notification and Manifesting Rule (54 FR 52716, 52719, December 21, 1989), the policy on analysis of waste samples is as follows. It is necessary to know whether or at what concentration a waste contains PCBs to determine whether or how the waste is regulated under 40 CFR Part 761. Consequently, a waste sample is

implicitly authorized for use while chemical analysis is taking place.

Q: Does §761.30(j) apply to samples of waste containing PCBs that are being chemically analyzed for other possible constituents such as metals or anions?

A: No. Section 761.30(j) allows the use of PCBs in analytical reference standards when conducting research and development on waste samples containing PCBs. Chemical analysis of the waste samples themselves is not subject to §761.30(j). A waste sample is implicitly authorized for use while chemical analysis is taking place. Once the analysis is complete, the sample is subject to disposal as PCB waste in accordance with §761.64 if it contains 50 ppm PCBs. Chemical analysis for the presence of other contaminants in samples containing PCBs may be regulated under specific requirements for those contaminants.

Q: Can I transport soil off site to a laboratory for toxicity testing? Must I notify EPA?

A: Section §761.30(j) authorizes the use of PCBs in analytical reference samples for research and development. You are not required to notify EPA prior to using PCBs in research and development under this section. However, processors and distributors of PCBs in small quantities for research and development must report certain information about their activities to EPA (see §761.80(g)).

Q: According to §761.65(i)(2), which deals with transport and use of samples collected to determine PCB concentration for regulatory status, you can collect a sample and send it to the lab for analysis without a manifest. Has anything in §761.30(j) changed this prior rule?

A: Section 761.65(i)(2) exempts these samples from manifesting requirements when sending the samples to the lab for analysis of PCB concentration or when shipping them from the lab back to the sample collector, provided the conditions in §761.65 are followed. However, under §761.65(i)(2), after analysis is complete and the use of the sample is ended, the sample must be manifested when it is shipped from the R & D facility to a commercial storer or disposer. In its technical corrections rule, EPA is deleting §761.30(j)(3), which addressed manifesting requirements, to avoid confusion.

§761.30(q) Non-liquid PCBs

Q: What is the status of the non-liquid PCB use authorization? When will a supplemental notice for §761.30(q) be published? What is the interim policy concerning use and distribution in commerce of unauthorized PCBs?

A: The Agency is in the process of obtaining data that can be used to make an informed decision of the risks associated with certain unauthorized uses of non-liquid PCBs for the purpose of either finalizing the authorization or reproposing the provision. Check the

PCB Web Site at www.epa.gov/pcb. In the meantime, use and distribution in commerce of unauthorized PCBs is prohibited.

§761.30(s) Use of PCBs in air compressor systems

Q: ***How do I determine whether air compressors that are not associated with natural gas pipeline systems contain PCBs at regulated levels? Are there any assumptions that apply? Is the age of the air compressors relevant?***

A: In general, EPA does not expect that air compressors (not associated with natural gas pipeline systems) will contain PCBs at regulated levels of 50 ppm. However, EPA is aware of cases where air compressors have become contaminated with PCBs due to the use of lubricating oils, such as Pydraul. The use authorization at §761.30(s) was developed to allow the continued use of contaminated air compressor systems provided steps are taken to remove the PCB liquids and to decontaminate or dispose of the contaminated components in the system. Testing of the air compressor system liquids is not explicitly required to determine the applicability of these regulations. If, however, past inventory records indicate that Pydraul or other PCB containing lubricating oils had been used in the past, testing would be prudent.

§761.30(u) Use of decontaminated materials

Q: ***If I clean up concrete contaminated by a post-1987 spill pursuant to state clean-up standards, can I continue to use the concrete? If not, what are the requirements?***

A: You may use non-liquid materials such as concrete that were contaminated with PCBs 50 ppm provided the materials are decontaminated in accordance with a PCB disposal approval, the decontamination provisions of §761.79, or an applicable PCB spill cleanup policy, or if they meet an applicable decontamination standard in §761.79(b). The decontamination standard for concrete under §761.79(b) is <10 g/100 cm^2 and requires that cleanup be initiated within 72 hours of the spill. If the state cleanup met these standards, you may continue to use the concrete. Alternatively, you may comply with the requirements of §761.30(p) for continued use of contaminated porous surfaces.

§761.40 Marking Requirements

Q: ***Has there been a substantive change to the marking requirements for transport vehicles?***

A: No. Section 761.40(b) combines the provisions of two earlier paragraphs that were redundant.

Q: ***Does the line crew that is transporting a transformer from the field to the repair shop***

need to label the truck? (No decision has been made to dispose of the transformer at this time and unit is assumed to be PCB-Contaminated.)

A: Transport vehicles carrying a transformer must be marked only if the transformer is a PCB Transformer (i.e., contains PCBs at concentrations 500 ppm). You must mark a transport vehicle carrying a PCB Transformer whether the PCB Transformer is still in use or is a waste. In this example, the transformer is still in use (no decision has been made to dispose of it), so the PCB concentration assumptions for use apply when the concentration of the transformer has not been established. (See §761.2.)

Q: Section 761.40(k) states that PCB large low voltage capacitors must be marked as of April 26, 1999. Section 761.40(l), which requires marking of voltage regulators, does not specify a deadline. Does this mean voltage regulators must be marked as of August 28, 1998, the effective date of the rule?

A: Yes.

§761.50 Applicability

§761.50(a)(2) Processing liquids into non-liquids

Q: Do the Disposal Amendments allow me to stabilize or solidify liquid PCBs and dispose of them in accordance with the requirements for non-liquid waste?

A: No. You may not process liquid PCBs into non-liquid forms to circumvent the high temperature incineration requirements of §761.60(a).

Q: Must I dispose of PCB liquids solidified prior to 1978 as liquids or non-liquids?

A: Prior to 1978 there was no prohibition on solidifying liquid PCB waste. The waste is subject to the regulations that apply to its condition at the time of disposal.

§761.50(a)(3) Discharging water to treatment works

Q: If a permanent wastewater treatment facility begins to treat PCB wastewater on an occasional basis, is the treatment plant equipment considered TSCA waste when the plant generates maintenance wastes such as piping, valves, etc?

A: The Disposal Amendments prohibit the discharge of water containing 3 ppb PCBs to a treatment works unless a higher PCB concentration is allowed by a discharge limit established under the Clean Water Act. Non-porous surfaces in wastewater treatment equipment that come into contact with water at PCB concentrations in low parts per billion are not likely to have surface contamination >10 g/100 cm^2. Non-porous surfaces

at concentrations >10 g/100 cm² may not be used in contact with food, feed or drinking water (see §761.79(b)(3)(i) and §761.30(u)(2)). Treatment works equipment can be reused in contact with food, feed, or drinking water if it is decontaminated in accordance with a risk-based decontamination approval (see §761.79(h)). For uses not in contact with food, feed, or drinking water, unless the occasional releases to the treatment works greatly exceed the levels allowed in the disposal amendments, PCB contamination in maintenance wastes is unlikely to reach regulated concentrations.

§761.50(a)(5) Presuming 500 ppm

Q: ***Section 761.50(a) allows people disposing of non-liquid PCBs to avoid sampling requirements by presuming that the PCB concentrations are ≥500 ppm. Can I dispose of liquid-filled electrical equipment under this provision?***

A: No. This provision pertains only to the land disposal of non-liquids. You may choose to assume a piece of electrical equipment is contaminated at 500 ppm PCBs rather than testing the equipment, but you must follow the disposal requirements in §761.60(b).

§761.50(b)(1) PCB liquids

Q: ***Can I dispose of liquids in a landfill?***

A: The only liquids you can dispose of in a landfill are non-ignitable PCB liquids at concentrations <500 ppm that are incidentally derived from PCB Articles or non-liquid PCB wastes (for example, precipitation, condensation, leachate, or load separation). You may dispose of these liquids in a chemical waste landfill that complies with §761.75. You must dispose of all other liquids by decontamination under §761.79; depending on the concentration of the liquid waste, in an incinerator that complies with §761.70 or a high efficiency boiler in accordance with §761.71; or in a facility with an alternative disposal approval issued under §761.60(e).

§761.50(b)(2) PCB Items

Q: ***Can non-intact PCB Articles be disposed of as bulk product waste? What about small and large capacitors and PCB Transformers?***

A: You can dispose of PCB Articles that are no longer intact and non-leaking, and PCB Items containing non-intact PCB Articles, as PCB bulk product waste under §761.62(a) or (c). However, land disposal is generally not available if liquid PCBs remain in the equipment. Non-intact PCB Articles include leaking capacitors and PCB Transformers.

Q: ***Under §761.60(b), can I assume that light ballasts contain PCB concentrations of less than 50 ppm?***

A: No. Fluorescent light ballasts are regulated for disposal when they contain PCBs that are regulated for disposal. Disposal options depend on whether the PCBs are found in an intact and non-leaking PCB small capacitor, a non-intact or leaking PCB small capacitor, or in the potting material. (See §761.50(b)(2).) The PCB regulations do not create any assumptions about the PCB concentrations in fluorescent light ballasts.

Q: Do manifest requirements apply to light ballasts that are sent to recyclers?

A: Yes, if the ballasts contain PCBs 50 ppm in leaking small capacitors or in potting material.

Q: Can I assume that ballasts manufactured after 1979 are not contaminated?

A: Fluorescent light ballasts manufactured between July 1, 1979, and July 1, 1998, at the time of manufacture were required to be marked by the manufacturer with the statement "No PCBs". It is acceptable to treat ballasts with this mark as unregulated for PCBs.

TSCA Disposal Requirements for Fluorescent Light Ballasts

PCB Capacitor	PCB Potting Material	Labeling, Transportation and Manifesting for Disposal	Disposal Reference in §761	Disposal Options
"No PCBs" label		Not regulated under TSCA	N/A	Not regulated under TSCA
None	< 50 ppm	Not regulated under TSCA	N/A	Not regulated under TSCA

Intact and non-leaking or none	50 ppm	Is a PCB bulk product waste. No labeling is required. Manifesting is required for disposal in accordance with §761.62(a); is not required under §761.62(b); may be required under §761.62(c).	.50(b)(2)(ii) .62(a)-(c)	TSCA Incinerator TSCA/RCRA Landfill Alternate Destruction Method Decontamination (§761.65(d) storage approval may be required) Coordinated approval State approved landfill (leach test required) Risk-based approval
Intact and non-leaking	< 50 ppm	No labeling or manifesting required	.50(b)(2)(i) .60(b)(2)(ii)	As municipal solid waste 40 CFR 761 subpart D options
Leaking	< 50 ppm or 50 ppm	Disposal as PCB bulk product waste. No labeling is required. Manifesting is required for disposal in accordance with §761.62(a); may be required under §761.62(c).	.62(a) or (c)	TSCA Incinerator TSCA/RCRA Landfill Alternate Destruction Method Decontamination (§761.65(d) storage approval may be required) Coordinated approval Risk-based approval

Q: Has EPA received data on the percent of light ballasts with PCB concentrations ≥50 ppm?

A: The Agency does not have any data other than that data submitted in connection with the PCB Disposal Amendments rulemaking. Commenters submitted data based on samples taken from ballasts to be recycled and is found in the rulemaking docket Number OPPTS-66009C. The docket is open Monday through Friday from 12 noon to 4 pm in Washington, DC (202-260-7099).

Q: Is there a grandfather provision or exemption for ballast processing?

A: Existing PCB disposal approvals, issued in accordance with §761.761.60(e) , for the disposal of fluorescent light ballasts remain in effect until their expiration date. Many

activities currently included in these §761.60(e) approvals are authorized in §761.79 and do not require approvals.

§761.50(b)(2)(i) Fluorescent light ballasts containing PCB small capacitors

Q: ***Did the Disposal Amendments change the requirements for disposing of small capacitors, such as those in motors and fluorescent light ballasts?***

A: No. Unless you are a small capacitor manufacturer, you may dispose of intact and non-leaking small capacitors as municipal solid waste (see §761.60(b)(2)(ii)).

Q: ***Must facilities that dispose of non leaking small capacitors in a municipal landfill (i.e., less than one pound PCBs of capacitor weight) notify under Superfund?***

A: No. This requirement was included in the proposed rule but, based on comments, was not included in the final rule.

Q: ***Can fluorescent light ballasts manufactured before 1978 that contain an intact and non-leaking PCB small capacitor be disposed of as a solid waste? Do these ballasts need to be tested to determine their PCB concentration? What are the storage, manifesting, and notification requirements for this disposal?***

A: Under §761.50(b)(2)(i), ballasts that contain PCBs only in intact and non-leaking PCB small capacitors can be disposed of in a state approved solid waste landfill, regardless of date of manufacture or PCB concentration. There are no storage, manifesting, or notification requirements for these ballasts under TSCA.

§761.50(b)(2)(ii) Ballasts with PCBs in the potting material

Q: ***How must I dispose of fluorescent light ballasts with PCBs in the potting material?***

A: This depends on the concentration of PCBs in the potting material and whether the ballast contains an intact or non-intact PCB small capacitor. If the PCB concentration of the potting material is <50 ppm and the ballast contains either no PCB small capacitor or an intact and non-leaking PCB small capacitor, you can dispose of the ballast as municipal solid waste (see §761.60(b)(2)(ii)). If the PCB concentration of the potting material is 50 ppm and the ballast contains either no PCB small capacitor or an intact and non-leaking PCB small capacitor, you can dispose of the ballast as PCB bulk product waste in a TSCA incinerator, a TSCA/RCRA landfill, a facility permitted, licensed, or registered by a state as a municipal or non-municipal non-hazardous waste landfill, or by means of an approved destruction method, decontamination, or risk-based disposal method (see §761.62). Regardless of the PCB concentration of the potting material, you must dispose of ballasts containing non-intact or leaking capacitors as PCB bulk product waste in accordance with §761.62(a) or (c).

Q: ***If the PCB concentration of the potting material in a fluorescent light ballast is unknown, for disposal purposes must it be assumed to be greater than 50 ppm?***

A: No. PCBs are regulated for disposal based on their actual concentrations. No assumptions are required.

§761.50(b)(3) PCB remediation waste

§761.50(b)(3)(i) Pre-'78 waste

Q: ***A remediation contractor has exhumed drums of mixed waste that were landfilled 30 to 40 years ago. The drums contain PCBs at levels <50 ppm, with an average concentration of 7.2 ppm. The remediation contractor wants to send the <50 ppm material to another company that will process the waste to address the non-PCB components. The process will also thermally destroy the PCBs. Do the PCB regulations apply?***

A: No. The PCB rules do not apply to waste disposed of prior to April 18, 1978, that is currently <50 ppm, regardless of the concentration of the original spill.

Q: ***If I find buried pieces of electrical equipment that I know were disposed of prior to 1978, must I remove the equipment and clean up the site?***

A: Not unless the EPA Regional Administrator makes a finding that spills, leaks, or other uncontrolled releases or discharges from the site constitute ongoing disposal that may present an unreasonable risk of injury to health or the environment from exposure to PCBs at the site. If you decide voluntarily to remove the equipment and clean up the site, you must follow §761.61 in disposing of PCB remediation waste from the site. Dispose of pieces of electrical equipment as PCB Articles in accordance with §761.60(b).

Q: ***Do soils containing PCBs at concentrations greater than or equal to 50 ppm from a pre-1978 spill require a manifest?***

A: Yes. Disposal of pre-'78 waste must conform to current regulatory requirements.

Q: ***Can PCB remediation wastes with a PCB concentration of less than 50 ppm, from a pre-1978 spill not cleaned up in accordance with §761.61, be sent to a municipal solid waste landfill?***

A: Yes. Disposal of pre-'78 wastes at PCB concentrations <50 ppm are not regulated under TSCA.

§761.50(b)(3)(ii) Post-'78 waste

Q: ***Does §761.50(b)(3)(ii)(B) mean that EPA can still take enforcement action for unauthorized releases even if EPA reviews and approved a cleanup work plan?***

A: Yes. Unlike the Spill Cleanup Policy under Subpart G, compliance with §761.61 does not create a presumption against enforcement for the initial illegal spill. However, in accordance with §761.61, you may dispose of PCB remediation waste at its "as found" concentration, whereas in accordance with subpart G, you must dispose of the cleanup waste as though it were the material spilled.

§761.50(b)(iii) Burden of proof

Q: ***Did EPA intend to change the burden of proving that PCBs were illegally disposed of at a site in 40 CFR § 761.50(b)(3)(iii)?***

A: No. 40 CFR § 761.50(b)(3)(iii) was intended to codify existing administrative case law on this point. Once EPA has made its prima facie case that PCBs were illegally disposed of at a site, the defendant has the burden of producing evidence that refutes EPA's prima facie case.

§761.50(b)(4) PCB bulk product waste

Q: ***Section 761.50(b)(4) regulates disposal of PCB bulk product waste if the waste was ≥50 ppm when removed from service. Understanding that there is no specific use authorization for materials covered with PCB contaminated paint, is there any burden on a generator to determine PCB concentration of these materials prior to removal from service?***

A: There is currently no use authorization for paint containing PCBs. However, there is no regulatory requirement to test paint in use to determine its PCB concentration. Paint containing PCBs at concentrations 50 ppm are regulated for disposal whether or not someone has measured their concentration. You may dispose of the dried paint based either on its PCB concentration under §761.62(a), on its leaching characteristics under §761.62(b), or in accordance with a risk-based approval under §761.62(c).

Q: ***Under §761.50(b)(4)(ii), are all pieces of equipment with painted surfaces defined as "PCB bulk product waste?"***

A: While the definition of "PCB bulk product waste" includes applied dried paint, whether or not the paint has been removed from the surface to which it was applied, the definition does not include PCB Items regulated for disposal under §761.60(b), such as transformers coated with paint containing PCBs. (See §761.3.)

Q: ***I need to dispose of a painted metal surface. There is no reason to believe that the paint contains PCBs, but it is suspected that the surface may have been exposed to***

PCBs in the past by virtue of its location. How do I determine its status for disposal?

A: If the paint contains PCBs that were added during its manufacture, the painted surface is PCB bulk product waste. If the paint contains PCBs that it absorbed as a result of a spill, the painted surface is PCB remediation waste.

Q: Can paint chips from the surface be analyzed to demonstrate that a painted metal surface is unregulated disposal?

A: Analyzing a bulk sample of paint removed from the surface will establish whether the paint contains PCBs, but will not establish whether the PCBs were added to the paint during manufacture or whether they were absorbed into the painted surface as a result of a spill. If you suspect that PCBs have spilled on the surface, it might be useful to wipe sample the surface before taking a bulk sample of the paint.

§761.50(b)(7) PCB/Radioactive waste

Q: How is the disposal of radioactive PCB waste regulated (i.e., dried applied paint)?

A: In accordance with §761.50(b)(7)(ii), any person disposing of PCB/radioactive waste must do so taking into account both its PCB concentration and its radioactive properties. If, taking into account only the properties of the PCBs in the waste (and not the radioactive properties of the waste), the waste meets the requirements for disposal in a facility permitted, licensed, or registered by a State as a municipal or non-municipal non-hazardous waste landfill (e.g., PCB bulk product waste under Sec. 761.62(b)(1)), then the person may dispose of the PCB/radioactive waste, without regard to the PCB component of the waste, on the basis of its radioactive properties in accordance with all applicable requirements for the radioactive component of the waste.

For example, applied dried paint that meets the definition of "PCB bulk product waste" (i.e., where the PCBs were added to the paint during manufacture) may be disposed of in a facility permitted, licensed, or registered by a State as a municipal or non-municipal non-hazardous waste landfill. (See §761.62(b)(1)(i).) Therefore, radioactive applied dried paint, which meets the definition of PCB bulk product waste and which contains PCBs at any concentration, may be disposed of on the basis of its radioactive properties in accordance with all applicable requirements for the radioactive component of the waste.

Q: Please confirm that §761.50(b)(7) authorizes the disposal of radioactive, non-liquid PCB wastes into low-level radioactive waste disposal facilities operated under the purview of the Atomic Energy Act (e.g. DOE). Those facilities are not subject to state permitting and licensing and thus do not possess state permits or licenses as described in that paragraph and in §761.61(a)(5)(v)(A).

Under §761.50(b)(7), as added by the PCB Disposal Amendments (63 FR 35384, June 29,

1998), you may dispose of PCB/radioactive waste on the basis of its radioactive properties, without regard to the PCB component of the waste, if the PCB disposal rules allow the waste to be disposed of in a facility permitted, licensed, or registered by a State as a municipal or non-municipal non-hazardous waste landfill. The PCB disposal rules allow materials containing PCBs to be disposed of in this type of landfill only if the PCB concentration is low, or the PCBs are not likely to leach from the material. We reasoned that a facility authorized to accept radionuclides would be sited, designed, constructed and operated in such a manner as to attenuate PCBs and keep them from contaminating any underlying aquifer. Therefore, disposal of these low-concentration or non-leaching PCBs in a radioactive waste disposal facility would not present an unreasonable risk of injury to human health or the environment. This should clarify that EPA's concern is not that a particular municipal or non-municipal non-hazardous waste landfill be available and permitted to accept the PCB/radioactive waste, but rather that the PCB characteristics of the waste are such that they can be managed in a radioactive waste disposal facility.

Q: Should PCB/radioactive remediation waste be characterized based on the source concentration or the as-found concentration?

A: You may dispose of PCB remediation waste based on its as-found concentration. (See §761.61.) For radioactive PCB remediation waste, you must also consider the radioactive properties of the waste.

§761.50(b)(8) Porous surfaces

Q: §761.50(b)(8) indicates that all porous surfaces, not just those covered under self-implementation, must be disposed of per §761.61(a)(5)(iii). Does this apply to PCB remediation waste generated as part of a risk based cleanup approved under §761.61(c)?

A: EPA is implementing a technical correction to §761.50(b)(8) to clarify that porous surfaces meeting the definition of "PCB remediation waste" must be disposed of in accordance with §761.61.